

ESTTA Tracking number: **ESTTA250699**

Filing date: **11/24/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050030
Party	Plaintiff Richard Groman, dba Keystone Music Roll Company
Correspondence Address	Jules D. Zalon Law Office of Jules D. Zalon 20 Curtis Avenue West Orange, NJ 07052 UNITED STATES jzalon@zalonoffice.com
Submission	Motion for Default Judgment
Filer's Name	Jules D. Zalon
Filer's e-mail	jzalon@zalonoffice.com
Signature	/Jules D. Zalon/
Date	11/24/2008
Attachments	Default Motion 11-24-08.pdf (1 page)(4517 bytes) Default Declaration 11-24-08.pdf (3 pages)(7663 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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RICHARD GROMAN, doing business as
KEYSTONE MUSIC ROLL COMPANY,

Petitioner,

Motion for Default Judgment

Cancellation No. 92050030

- against -

Registration No. 2,653,125

BALDWIN PIANO, INC.,

Date of Issuance: Nov. 26, 2002

Respondent.

----- X

Petitioner Richard Groman, by his attorney Jules D. Zalon, herewith moves the Board for entry of default judgment against respondent Baldwin Piano, Inc. on the grounds that the respondent has not filed an answer or otherwise responded to the cancellation petition filed on October 7, 2008, and the time to answer or otherwise plead has expired.

In support of this motion, petitioner relies on the accompanying declaration of its attorney.

Dated: West Orange, New Jersey
November 24, 2008

_____/Jules D. Zalon/_____
Jules D. Zalon
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Attorney for Petitioner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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RICHARD GROMAN, doing business as
KEYSTONE MUSIC ROLL COMPANY,

Cancellation No. 92050030

Petitioner,

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Declaration of Counsel in Support
of Motion for Default Judgment

Jules D. Zalon hereby declares the following under penalty of perjury under the laws of the United State of America:

1. I am the attorney for petitioner Richard Groman and am fully familiar with this proceeding and the facts leading up to it. I make this declaration in support of our motion for entry of default judgment.

2. This proceeding was instituted by the service and filing – on October 7, 2008 – of a petition to cancel Registration # 2,653,125 for AMPICO, for use on “Player piano rolls, namely perforated music rolls for use in player pianos,” in International Class 41. The basis for the filing was the fraudulent claim of the applicant David L. Saul, under oath and on notice of 18 USC 1001, that:

The undersigned . . . declares that he is the owner of the service mark [sic] sought to be registered . . .[and] to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection the services [sic] of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his own knowledge are true

3. As alleged in ¶4 of our cancellation petition, that statement was false – and the applicant knew it was false – in that petitioner was, at the time that the declaration was made, and for several years prior thereto, using the mark and was widely advertising and promoting the mark throughout the United States.

4. The time within which the respondent was required to serve and file its answer to the petition was November 18th, yet the respondent has not answered or otherwise moved with respect to the petition, and respondent is now in default.

WHEREFORE, petitioner requests that the Board enter default judgment against the respondent and cancel Registration # 2,653,125.

Dated: West Orange, New Jersey
November 24, 2008

_____/Jules D. Zalon/_____
Jules D. Zalon
20 Curtis Avenue
West Orange, New Jersey 07052
Tel: (973) 324-2444
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Attorney for Petitioner

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address of record by First Class Mail on this date.

Dated: West Orange, New Jersey
November 24, 2008

_____/Jules D. Zalon/_____
Jules D. Zalon